

Parental Alienation: Controversy in the Courtroom

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INTRODUCTION

Parental Alienation continues to be a controversial and often-avoided topic of discussion in child custody disputes, since its formal introduction in 1985, when Dr. Richard Gardner coined the phrase, “Parental Alienation Syndrome”. In further writings, Gardner (2002) used the following definition:

“The parental alienation syndrome (PAS) is a childhood disorder that arises almost exclusively in the context of child-custody disputes. Its primary manifestation is the child’s campaign of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent’s indoctrinations and the child’s own contributions to the vilification of the target parent. When true parental abuse and/or neglect is present, the child’s animosity may be justified and so the parental alienation syndrome explanation for the child’s hostility is not applicable.” (p. 93)

Dr. Gardner identified the symptoms of PAS in child custody cases with a high level of conflict between the divorced parents. His initial findings came when there was a change in thinking about child custody. The traditional idea was that children should be with their mother in cases of divorce. Joint custody between mothers and fathers became the preferred outlook of the courts in child custody cases. This is when Gardner began to see the symptoms of PAS. He believed the alienating parent would brainwash the children to react negatively toward the other parent, and therefore align themselves with the alienating parent. The children would express a level of anger, resentment, and fear towards the targeted parent that was unjustified. The alienating parent did this in an attempt to gain the favor of the court in decisions of child custody.

MANIFESTATIONS

Gardner (1998) lists a number of ways in which PAS manifests itself. Alienated children will display the following signs, though how many are displayed will depend on the individual child. His list of symptoms consists of:

- ❖ The child’s campaign to denigrate the targeted parent.
- ❖ Reliance on weak, even absurd rationalizations for the denigration.
- ❖ Lack of ambivalence toward parents.
- ❖ The child demands the decisions involving visitation are theirs to make.
- ❖ No feeling of guilt regarding the treatment of the targeted parent.
- ❖ Automatic and unwavering support for the alienating parent.
- ❖ Child’s adoption of others scenarios.
- ❖ Child rejects extended family of targeted parent (Gardner, 1998).

FALLACIES THAT COMPROMISE DECISIONS

Warchak (2015) identified 10 fallacies of parental alienation that compromise decisions made in court and therapy

- 1.Children never unreasonably reject the parent with whom they spend the most time
- 2.Children never unreasonably reject mothers
- 3.Each parent contributes equally to a child’s alienation
- 4.Alienation is a child’s transient, short-lived response to the parents’ separation
- 5.Rejecting a parent is a short-term healthy coping mechanism
- 6.Young children living with an alienating parent need no intervention
- 7.Alienated adolescents’ stated preferences should dominate custody decisions
- 8.Children who irrationally reject a parent but thrive in other respects need no intervention
- 9.Severely alienated children are best treated with traditional therapy techniques while living primarily with their favored parent
- 10.Separating children from an alienating parent is traumatic

SOME OF THE MOST POISONOUS PEOPLE COME DISGUISED AS FAMILY.



SCIENTIFIC CRITIQUE

PAS is not unanimously accepted by the scientific community. Critics point to Gardner’s lack of empirical evidence to support his idea of PAS (O’Donohue, 2016).

Several studies noted a number of the criteria listed for PAS were vague and hard or impossible to test for validity (Meier, 2009; Mercer, 2019; Pepiton et al., 2012).

Concern about the lack of empirical evidence surrounding the diagnostic criteria and potential treatment options have been pointed out in multiple articles (Meier, 2009; Pepiton et al., 2012)

A number of unanswered questions persist:

- ❖ Do children have the ability to resist the alienating parents’ efforts to alienate the targeted parent?
- ❖ If it can be done, when?
- ❖ What were the circumstances?
- ❖ Does age affect the ability for the child to be manipulated?
- ❖ What are those age ranges?
- ❖ How often does PAS occur?
- ❖ Do actions of the targeted parent contribute to alienation?
- ❖ What precautions can be made to avoid PAS?

PAS USE IN FAMILY COURT

- ❖ Despite the lack of scientific research, PAS continues to be used in family court with relative frequency. It is considered by judges and used to determine outcomes in child custody disputes. Is this in the best interest of the child?
- ❖ Legitimate concerns surround the phenomenon of PAS. If this is a form of child abuse, how can the courts not take it into consideration? If PAS is found to constitute child abuse, it is paramount that further scientific research be conducted so it can be stopped, the perpetrators face consequences, and treatment found to reverse or mitigate the emotional damage done. There is a documented change in behavior with the children involved in PAS cases, and further research is needed to explain it.

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